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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

12 CHARLES VINCENT REED,
13 Plaintiff,

14 v.

15 STATE OF WASHINGTON et al.,
16 Defendants.
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CASE NO. C09-5677BHS/JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

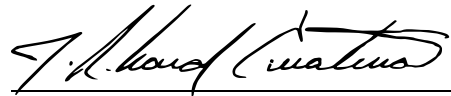
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19 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
20 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR
21 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion for appointment of
22 counsel (ECF No. 46).

23 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
24 Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court
25 may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
26 Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616

1 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
2 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
3 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Plaintiff
5 complains of difficulties he is allegedly having with the Department of Corrections staff
6 regarding access to courts and his ability to obtain copies, (ECF No. 46, affidavit in support of
7 motion). However, the record shows a steady stream of filings from plaintiff. Those filings have
8 been accepted. Plaintiff also filed a 16-page memorandum in support of his motion (ECF No.
9 47). Separate memorandums of law are no longer allowed by the Local Rules of this court. See
10 Local Rule 7 (b) (1). Further, the page limit for a motion of this nature is 12 pages, See Local
11 Rule 7 (e) (4). The memorandum will not be considered. Plaintiff's motion for appointment of
12 counsel is DENIED.
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15 DATED this 25th day of January, 2011.

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18 J. Richard Creatura
19 United States Magistrate Judge
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